

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:) **18-32124**
)
NICK KELTER,) **Chapter 13**
)
Debtor(s).) **Hon. Judge: BARNES**

NOTICE OF MOTION

To the following persons or entities who have been served via electronic mail:
U.S. Bankruptcy Trustee: USTPRegion11.ES.ECF@usdoj.gov
Marilyn O. Marshall, Chapter 13 Trustee: barcall@chi13.com

To the following persons or entities who have been served via U.S. Mail:
See attached list.

Please take notice that I shall appear before the following named Bankruptcy Judge, or any other Judge presiding in their stead at 219 S. Dearborn Street, Chicago, IL 60604, and in the following courtroom (or any other place posted), and present the attached **Motion to Modify Plan**, at which time and place you may appear.

JUDGE: BARNES
ROOM: 744
DATE: October 10, 2019
TIME: 9:30 AM

PROOF OF SERVICE

A copy of this Notice of Motion and attachments were deposited at the United States Post Office, Wheeling, Illinois, 60090, with sufficient postage prepaid, by Michael R. Colter, II, or served electronically by the bankruptcy court, under oath and under all penalties of perjury.

DATE OF SERVICE: September 19, 2019

/s/ Michael R. Colter, II
Michael R. Colter, II, A.R.D.C. #6304675

Attorney for the Debtor(s)
DAVID M. SIEGEL & ASSOCIATES
790 Chaddick Drive
Wheeling, IL 60090
847/520-8100

To the following persons or entities who have been served via U.S. Mail:

Nick Kelter
P.O. Box 411452
Chicago, IL 60641-6452

City of Chicago Department of Finance
c/o Arnold Scott Harris, P.C.
111 W. Jackson Blvd Ste. 600
Chicago, IL 60604

Premier Bankcard, LLC
Jefferson Capital Systems LLC Assignee
P.O. Box 7999
Saint Cloud, MN 56302-9617

Capital One Auto Finance
4515 N Santa Fe Ave Dept. APS
Oklahoma City, OK 73118

LVNV Funding, LLC
Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

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MOTION TO MODIFY PLAN

NOW COMES the Debtor, **NICK KELTER**, by and through his attorneys, DAVID M.

SIEGEL AND ASSOCIATES, LLC, to present this Motion, and in support thereof states as follows:

1. This Court has jurisdiction under 28 U.S.C. § 1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois.
2. On October 25, 2011, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC and Marilyn O. Marshall was appointed Trustee in the case. The Chapter 13 plan was confirmed on February 28, 2019.
3. The Debtor's Chapter 13 plan provides for payments of \$450.00 for an initial plan term of 36 months with General Unsecured Creditors receiving less than 10% of their allowed claims.
4. The Debtor's confirmed plan also requires him to turnover any portion of his federal tax refund in excess of \$1,200.00. Debtor received a refund of \$1,527.00 for the 2018 tax year.
5. Debtor was the victim of a scam where he sent \$800.00 to a person claiming to be a landlord as a security deposit. Debtor filed a complaint with the Illinois Attorney General.
6. It is highly unlikely Debtor will ever see this money again. Debtor seeks to defer default caused by not turning over the \$327.00 to the end of his Plan.
7. Debtor seeks this relief with no intent to defraud his creditors. Rather he was the victim of fraud and is unable to comply with the tax refund requirements under his Plan because of this.

WHEREFORE, the Debtor, **NICK KELTER**, prays that this Honorable Court enter an Order to Modify the Plan, and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Michael R. Colter, II
Michael R. Colter, II, A.R.D.C. #6304675
Attorney for the Debtor

David M. Siegel & Associates, LLC
790 Chaddick Drive
Wheeling, IL 60090
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